WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

ENROLLED

Committee Substitute for
SENATE BILL NO. 53

(By Senator Blatnik, et al.)

PASSED March 7, 1995

In Effect 90 days from Passage
AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article sixteen, relating to education; higher education; creating the antihazing law; providing definitions; prohibiting hazing; providing for enforcement by institutions; and providing civil and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article sixteen, to read as follows:
ARTICLE 16. ANTIHAZING LAW.

§18-16-1. Short title.

This article shall be known and may be cited as the "Antihazing Law".

§18-16-2. Definitions.

(a) "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual or individuals, and includes any activity which would subject the individual or individuals to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual or individuals, or any willful destruction or removal of public or private property: Provided, That the implied or expressed consent or willingness of a person or persons to hazing shall not be a defense under this section.

(b) "Institution of higher education" or "institution" means any public or private institution as defined in section two, article one, chapter eighteen-b of this code.

§18-16-3. Hazing prohibited.

Any person or persons who causes hazing is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one
thousand dollars, or confined in a county or regional jail,
not more than nine months, or both fined and impris-
oned: Provided, That if the act would otherwise be
deemed a felony as defined in this code, the person
committing such act may be found guilty of such felony
and be subject to penalties provided for such felony.

§18-16-4. Enforcement by institution.

(a) Antihazing policy. — The university of West Vir-
ginia board of trustees created pursuant to article two,
chapter eighteen-b of this code and the board of direc-
tors of the state college system created pursuant to
article three of said chapter shall by the first day of
August, one thousand nine hundred ninety-five, promul-
gate guidelines for antihazing policies.

(b) Enforcement and penalties. —

(1) Each institution shall provide a program for the
enforcement of such rules and shall adopt appropriate
penalties for violations of such rules to be administered
by the person or agency at the institution responsible for
the sanctioning or recognition of such organizations.

(2) In the case of an organization which authorizes
hazing in blatant disregard of such rules, penalties may
also include recision of permission for that organization
to operate on campus property or to otherwise operate
under the sanction or recognition of the institution.

(3) All penalties imposed under the authority of this
section shall be in addition to any penalty imposed for
violation of section three of this article or of any of the
criminal laws of this state or for violation of any other
institutional rule to which the violator may be subject.

(4) Rules adopted pursuant hereto apply to acts con-
ducted on or off campus whenever such acts are deemed
to constitute hazing.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schooner  
Chairman Senate Committee

Ernest E. Moore  
Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Darrell B. Hood  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Earl B. Tomlin  
President of the Senate

Speaker House of Delegates

The within is approved this the __ day of __, 1995.

Governor